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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,454	10/24/2001	Dominic Coupal	15436.15	2368

22913 7590 06/03/2004

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EXAMINER

BONURA, TIMOTHY M.

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 06/03/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,454

Applicant(s)

COUPAL ET AL.

Examiner

Tim Bonura

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Baker, et al, U.S.

Patent Number 6,493,761.

3. Regarding claim 1:

- a. Regarding the limitation of “providing a protocol definition file, the protocol definition file including: a first definition construct that defines the format of a data frame that is structured in accordance with the requirements of the predetermined physical layer protocol, and a second definition construct that defines a plurality of message protocol types,” Baker discloses a system with a protocol definition file. (Lines 7-9 of Column 3). Baker also discloses a system wherein the protocol definition file contains data for controlling protocol. (Lines 10-16 of Column 3). Baker also discloses a system with Data-Filter-Object information that is stored and used as filter criteria. (Lines 46-49 of Column 3).
- b. Regarding the limitation of “storing the protocol definition file with a protocol database,” Baker discloses a system with means to store protocol file information on a stored device of use. (Lines 30-35 of Column 3).

- c. Regarding the limitation of “capturing a data frame present on the communications network,” Baker discloses a system with means to extract field values from particular input. (Lines 40-45 of Column 3).
- d. Regarding the limitation of “identifying at least one protocol type of at least one message contained within the data frame from the plurality of message protocol types defined by the second definition construct,” Baker discloses a system with means to determine individual protocol information embedded in the fields of a file. (Lines 65-67 of Column 3).
- e. Regarding the limitation of “providing a description of the content of the captured data frame based upon the definitions of the first and the second definition constructs,” Baker discloses a system with means to display formats based on information contained in protocol descriptions. (Lines 1-2 of Column 4).

Conclusion

- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.
 - o The examiner can normally be reached on **Mon-Fri: 7:30-5:00, every other Friday off**. The examiner can be reached at: **703-305-7762**.
- 5. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner’s supervisor, **Rob Beausoliel**.
 - o The supervisor can be reached on **703-305-9713**.

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6. The fax phone numbers for the organization where this application or proceeding is assigned are:

- o **703-872-9306 for all patent related correspondence by FAX.**

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

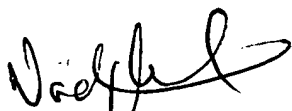
8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **703-305-3900**.

9. Responses should be mailed to:

- o **Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450



NADEEM IQBAL
PRIMARY EXAMINER

tmb
May 28, 2004

Tim Bonura
Examiner
Art Unit 2114